



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	122C	Manual of Requirements for Resource Family Parents	2-13-2012
Subchapter:	5	Personal Requirements	
Section	4	Criminal History Record Information background checks (N.J.A.C. 10:122C-5.4)	

§10:122C-5.4 Criminal History Record Information background checks

(a) Level I Criminal History Record Information requirements are as follows:

1. As a condition of securing a license, the resource family parent or applicant shall ensure that a State and Federal Criminal History Record Information (CHRI) background check, in keeping with the New Jersey Adoption and Safe Families Act, P.L. 1999, c. 53, N.J.S.A. 30:4C-26.8, and current within one year, is completed for each resource family parent or applicant and each household member at least 18 years of age.

2. Each new household member at least 18 years of age, and each household member who reaches 18 years of age shall complete a State and Federal CHRI background check.

3. Each resource family parent or adult household member who is not registered in the flagged State criminal history record information background check pursuant to N.J.S.A. 30:4C-27.8b shall complete a State CHRI background check prior to license renewal.

4. A criminal history record name-based check can replace the CHRI background check in individual cases where fingerprints cannot be taken because of a physical disability which prevents fingerprinting or because the person has either no fingerprints or no fingers.

5. If the resource family parent or applicant or any person specified in (a)1 above refuses to consent to a CHRI fingerprint background check, the Office of Licensing shall deny the application or suspend, revoke or refuse to renew the license, as applicable.

6. If any person specified in (a)1 above has a record of criminal conviction, the Department shall review the record with respect to the type and date of the criminal offense and make a determination as to the suitability of the resource family parent or applicant to receive or maintain a license.

7. A person shall be disqualified from receiving or maintaining an initial or renewal license as a resource family parent if that person or any person specified in (a)1 above ever committed a crime which resulted in a conviction for:

i. A crime against a child, including endangering the welfare of a child and child pornography pursuant to N.J.S.A. 2C:24-4; or child abuse, neglect, or abandonment pursuant to N.J.S.A. 9:6-3;

ii. Murder pursuant to N.J.S.A. 2C:11-3 or manslaughter pursuant to N.J.S.A. 2C:11-4;

iii. Aggravated assault which would constitute a crime of the second or third degree pursuant to subsection b. of N.J.S.A. 2C:12-1;

iv. Stalking pursuant to P.L. 1992, c. 209 (N.J.S.A. 2C:12-10);

v. Kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.A. 2C:13-1 through 6;

vi. Sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.A. 2C:14-2 through 4;

vii. Robbery which would constitute a crime of the first degree pursuant to N.J.S.A. 2C:15-1;

viii. Burglary which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:18-2;

ix. Domestic violence pursuant to P.L. 1991, c. 261 (N.J.S.A. 2C:25-17 et seq.);

x. Endangering the welfare of an incompetent person pursuant to N.J.S.A. 2C:24-7 or endangering the welfare of an elderly or disabled person pursuant to N.J.S.A. 2C:24-8;

xi. Terrorist threats pursuant to N.J.S.A. 2C:12-3;

xii. Arson pursuant to N.J.S.A. 2C:17-1, or causing or risking widespread injury or damage which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:17-2; or

xiii. An attempt or conspiracy to commit an offense listed in (a)4i through xii above.

8. A person shall be disqualified from receiving or maintaining an initial or renewal license as a resource family parent if that person or any person specified in (a)1 above was convicted of one of the following crimes and the date of release from confinement occurred during the preceding five years:

i. Simple assault pursuant to subsection a. of N.J.S.A. 2C:12-1;

ii. Aggravated assault which would constitute a crime of the fourth degree pursuant to subsection b. of N.J.S.A. 2C:12-1;

iii. A drug-related crime pursuant to P.L. 1987, c. 106 (N.J.S.A. 2C:35-1 et seq.);

iv. Robbery which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:15-1;

v. Burglary which would constitute a crime of the third degree pursuant to N.J.S.A. 2C:18-2; or

vi. An attempt or conspiracy to commit an offense listed in (a)5i through v above.

9. The term "date of release from confinement" in (a)5 above means the date of termination of court-ordered supervision through probation, parole, or residence in a correctional facility, whichever date occurs last.

10. A conviction for one of the offenses enumerated in (a)4 or 5 above shall be determined to have occurred if the person has been convicted under the laws of this State or any other state or jurisdiction for an offense that is substantially equivalent to the offenses enumerated in this subsection.

11. If the Department is notified that any person specified in (a)1 above is convicted of a crime or offense after the CHRI has been completed, the Department shall make a determination whether to deny, suspend, revoke or refuse to renew the resource family parent's license.

(b) The Department may obtain a criminal history check from the local police department for any resource family parent, applicant, temporary caregiver or household member at least 18 years of age. The applicant or resource family parent shall submit Department-specified release of information forms for a local criminal history check for such an individual when requested by the Department.